

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ANA RADELAT,
c/o Public Citizen
1600 20th St. NW
Washington, DC 20009,

Plaintiff,

v.

UNITED STATES COAST GUARD,
2703 Martin Luther King Jr. Ave. SE
Washington, DC 20593,

Defendant.

Civil Action No. 19-2731

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Plaintiff Ana Radelat brings this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to compel the production of records from the United States Coast Guard (“Coast Guard”) relating to sexual misconduct and assault at the Coast Guard Academy.

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B). Venue is proper under 5 U.S.C. § 552(a)(4)(B).

PARTIES

3. Plaintiff Ana Radelat is the Washington Correspondent for the Connecticut Mirror, a digital news site. Ms. Radelat submitted the FOIA request at issue in this case.

4. Defendant Coast Guard is an agency of the United States and has possession of and control over the records that Ms. Radelat seeks.

STATEMENT OF FACTS

5. On December 14, 2018, Ms. Radelat submitted a FOIA request to the Coast Guard.

In that request, Ms. Radelat sought the following documents:

- 1) A list of all incoming cadets to the Coast Guard Academy in 2013—that is the list of incoming cadets slated to graduate in 2017.
- 2) Total number of Sexual Misconducts reported at the Academy from June 1, 2015 through Nov. 30, 2018.
- 3) Total number of substantiated Sexual Misconducts in that time period.
- 4) Total number of Sexual Assaults reported from June 1, 2015 through Nov. 30, 2018.
- 5) Total number of substantiated Sexual Assaults.
- 6) Race and gender of victims who reported Sexual Assaults from June 1, 2015 through Nov. 30, 2018.

6. In her FOIA request, Ms. Radelat sought a waiver of fees, explaining that disclosure of the requested information would contribute significantly to the public understanding of the operations or activities of the government and was not primarily in her commercial interest.

7. The Coast Guard assigned the request FOIA case number 2019-CGFO-00611.

8. Under 5 U.S.C. § 552(a)(6)(A)(i), the Coast Guard had 20 working days to make a determination with respect to Ms. Radelat's FOIA request. More than 20 working days have passed since Ms. Radelat submitted the December 14, 2018 request, and Ms. Radelat has not received a determination from the Coast Guard concerning her request or any records in response to the request.

9. Ms. Radelat has exhausted her administrative remedies under FOIA. *See* 5 U.S.C. § 552(a)(6)(C)(i).

CAUSE OF ACTION

10. Ms. Radelat has a right under FOIA to the records she requested, and there is no legal basis for the Coast Guard's failure to disclose them.

PRAYER FOR RELIEF

WHEREFORE, plaintiff requests that this Court:

- A. Declare that the Coast Guard's withholding of the requested records is unlawful;
- B. Order the Coast Guard to make the requested records available to plaintiff at no cost and without delay;
- C. Award plaintiff her costs and reasonable attorneys' fees pursuant to 5 U.S.C. § 552(a)(4)(E); and
- D. Grant such other and further relief as this Court may deem just and proper.

Dated: September 12, 2019

Respectfully submitted,

/s/ Adina H. Rosenbaum
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